

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAN L. WHITNEY, JANET R.)
HADLEY, MARGARET A. KORNOW-)
BROWN, ERIC BRELLE,)
Plaintiffs,)
v.)
CHARLES WURTZ, VERISCAPE, INC.,)
RENEE TADLOCK, REGINA)
RYGELIS, WILL ARNTZ, SAM)
JACOBS, GARY BERKOWITS, BRIAN)
ROE and DOES 1-20,)
Defendants.)

Case No.: C 04-5232 PVT

**ORDER CONTINUING HEARING
DATE FOR DEFENDANT'S MOTION
TO COMPEL PRODUCTION OF
DOCUMENTS AND REQUIRING
PLAINTIFFS TO SUBMIT A
DECLARATION RE: HEARING
DATE FOR DEFENDANTS ARNTZ
AND JACOB'S MOTION FOR
SUMMARY JUDGMENT**

On October 6, 2006, Defendants' Arntz and Jacobs moved for summary judgment, claiming that there is no evidence that they are the alter egos of Veriscape and that alter ego is the sole basis for liability against them.¹ The hearing was set for November 14, 2006. On October 18, 2006, Plaintiff Dan Whitney ("Whitney") moved to continue the summary judgment hearing under Local Rule 6-3. On November 6, 2006, the court granted the motion to continue with the intention that a hearing date would be set at the next case management conference.

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

1 Despite extensive efforts by the Court, the parties were unable to set a date for the hearing of the
2 motion.

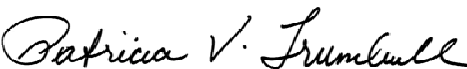
3 Accordingly, IT IS HEREBY ORDERED that no later than January 5, 2007, Plaintiffs
4 shall submit a declaration setting forth how much time they need to respond to Defendants
5 Arntz and Jacob's motion for summary judgment. Plaintiffs shall specify an appropriate date for
6 hearing the motion. As mentioned repeatedly at the case management conference, it is not
7 sufficient for Plaintiffs to suggest the last day for hearing dispositive motions. Plaintiffs shall be
8 specific as to the discovery they need and the time they need to acquire the discovery. No later
9 than January 12, 2007, Defendants Arntz and Jacobs may file a declaration as to why the hearing
10 date proposed by Plaintiffs should be altered.²

11 On November 20, 2006, Whitney filed a Motion for Order Releasing Documents from
12 Protective Order, setting the hearing date for January 30, 2007. On the same day, Defendant
13 Veriscape filed a Motion to Compel Production of Documents, setting the hearing for January
14 16, 2007. Accordingly,

15 IT IS FURTHER ORDERED that the hearing date for Defendant Veriscape's Motion to
16 Compel Further Responses to Demands for Production of Documents is continued to January 30,
17 2007.

18 IT IS SO ORDERED

19 Dated: December 15, 2006

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21 PATRICIA V. TRUMBULL
22 United States Magistrate Judge
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28 ²If the parties can agree upon a hearing date for the motion, they may submit a stipulation and proposed order in lieu of the declarations required or allowed by this Order.